

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES	NY
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DATE FILED: 2/24/25	

UNITED STATES OF AMERICA ex rel
URI BASSAN,

Plaintiff,

-against-

15 civ 4179(CM)

OMNICARE, INC. and CVS HEALTH
CORP.,

Defendants.

x

DECISION ON MOTIONS TO SEAL

McMahon, J.:

I amend the order at Dkt. No. 666 to require redaction of the following identifying patient information:

1. Names;
2. Addresses other than state;
3. Dates of birth;
4. Telephone numbers;
5. Social Security numbers;
6. Account numbers, including health plan beneficiary numbers;
7. Admission and discharge dates; and
8. Unique identifying numbers, such as prescription and order numbers.

The Court, for its decision on the pending motions to seal:

Defendants' motion, Dkt. No. 677, to seal confidential patient information in the exhibit at Dkt. No. 636-5 is GRANTED. Please file the redacted version of the document (see above).

Defendants move to conditionally seal portions of their briefs in opposition to the Government's motions *in limine* quoting from and attaching materials the Government has designated confidential under its Protective Order. Dkt. No. 651. Specifically, Omnicare wishes to seal the following language: A long-term care "pharmacy does not need to keep a physically signed

prescription on file" together with references to email chains supporting this. The motion is DENIED. There is nothing at all confidential about this statement and it will be the subject of testimony at the very public trial.

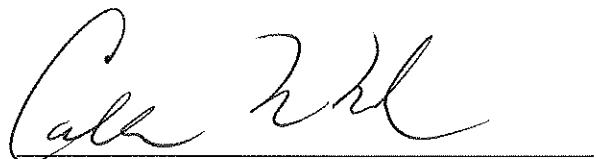
The Government, at Defendants' insistence, moves to file several exhibits to the Declaration of Jeremy Liss, submitted in support of the Government's opposition to CVS Health Corporation's motion for summary judgment, under a temporary 14-day seal, pursuant to the Protective Order. Dkt. No. 633. The Government does not by making the motion concede that the information sought to be sealed should be sealed. It should not be. Defendants have not indicated on a line-by-line basis why any of that information should be sealed so the motion is DENIED without leave to renew.

The Government also moves to seal certain exhibits, that Defendants have now indicated they will not seek to seal (specifically documents references in Dkt. Nos. 621 and 625). Therefore, the motions are DENIED AS MOOT.

The Court will not accept any more motions to seal. Please seal the HIPPA-protected information listed on the first page of this opinion in any document. Please do not bother me with other requests to seal. They will not be granted.

This is a written opinion, and it is the Court's order. It disposes of the following motions: Dkt. Nos. 621, 625, 633, 651 and 677. The Clerk of Court is directed to remove all of those motions from the Court's list of open motions.

Dated: February 24, 2025



Carl E. Hulshoff
U.S.D.J.

BY ECF TO ALL COUNSEL

2/24/2025